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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/687,657
Filing Date: October 13, 2000
Appellant(s): JAYARAMAN ET AL.

Fred G. Pruner
For Appellant

EXAMINER'S ANSWER

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-48 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,216,007	HAVINIS et al.	04-2001
6,697,630	CORWITH	02-2004
5,774,803	KARIYA	06-1998
5,712,899	PACE, II	01-1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-25 and 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. (US 6,216,007) in view of Corwith (US 6,697,630).

Referring to Claim 1, Havinis teaches a system comprising:

a mobile unit to:

acquire information about a region near the mobile unit (see col. 3, lines 4-7);

determine a location of the mobile unit (see col. 3, lines 9-15), and

transmit an indication of the information and location (see col. 3, lines 26-30);

a client 16 (fig. 1) and a remote server 252 (fig. 2) to communicate with the mobile unit to receive the indication from the mobile unit and communicate at least some of the information to the client.

Havinis does not teach automatically labeling the information with the location of the mobile unit. Corwith teaches automatically labeling the information with the location of the mobile unit (see col. 3, lines 20-26 and col. 4, lines 4-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

provide the teachings of Corwith to said method of Havinis in order to locate a mobile station in a particular region in less time.

Referring to Claim 32, Havinis teaches a method comprising using a mobile unit to acquire information about a region near the mobile unit (see col. 3, lines 4-7), using the mobile unit to determine a location of the mobile unit (see col. 3, lines 9-15), communicating an indication of the information and location to a remote server (see col. 3, lines 26-30), and using the remote server to communicate at least some of the information to a client (see 252 of fig. 2).

Havinis does not teach automatically labeling the information with the location of the mobile unit. Corwith teaches automatically labeling the information with the location of the mobile unit (see col. 3, lines 20-26 and col. 4, lines 4-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Corwith to said method of Havinis in order to locate a mobile station in a particular region in less time.

Referring to Claims 2 and 33, Havinis also teaches the client furnishing a request to the remote server for specific criteria and the remote server filtering the information based on the specific criteria before communicating at least some of the information to the client (see col. 2, lines 1-10).

Referring to Claims 3 and 34, Havinis also teaches the criteria comprising one selected from a set consisting of a time, a date, a position, and an identifier identifying the mobile unit (see col. 1, lines 56-65).

Referring to Claim 4, Havinis also teaches a global positioning system receiver to determine the location of the mobile unit (see col. 3, line 4).

Referring to Claim 5, Havinis also teaches a triangulation technique based on locations of the cellular networks base stations (see fig. 2).

Referring to Claims 6 and 35, Havinis also teaches aquiring the information automatically pursuant to a set schedule (see ABSTRACT).

Referring to Claims 7 and 36, Havinis also teaches aquiring the information in response to a manual request (see col. 2, lines 1-3).

Referring to Claims 8 and 37, Havinis also teaches the information comprising at least one of a picture, a sound, a text, a weather condition, a brightness level and a noise level (see ABSTRACT).

Referring to Claim 9, Havinis also teaches the information comprising location specific information (see col. 3, lines 9-15).

Referring to Claim 10, Havinis also teaches the indication communicated to the remote server via a wireless network (see fig. 2.

Referring to Claim 11, Havinis also teaches remote server communicating with the client via a wired network (see fig. 1).

Referring to Claim 12, Havinis also teaches a memory storing configuration data 230 (fig. 2).

Referring to Claim 13, Havinis also teaches the configuration data including parameters that regulate the acquisition of data by the mobile unit (see col. 1, lines 40-44).

Referring to Claim 14, Havinis also teaches the parameters regulating at least one of a nature of data acquisition and a frequency of data acquisition by the mobile unit (see col. 1, lines 56-65).

Referring to Claim 15, Havinis also teaches the configuration data including parameters that regulate the transmission of the indication of the information and location by the mobile unit (see col. 1, lines 40-44).

Referring to Claim 16, Havinis also teaches the parameters regulating at least one of a location of the remote server and a frequency at which the collected data should be synchronized with the remote server (see col. 3, lines 26-30).

Referring to Claim 17, Havinis also teaches a first memory 230 (fig. 2) to store first configuration data that is communicated from a remote source to the mobile unit and a second memory 220 (fig. 2) to store second configuration data local to the mobile unit for use if the source cannot be accessed to retrieve the first configuration data.

Referring to Claim 18, Havinis also teaches wherein if the remote source cannot be accessed by the mobile unit, the mobile unit uses the second configuration data to regulate the acquisition of the information and the transmission of the indication of the information and the location until the source can be accessed (see col. 4, lines 18-29).

Referring to Claim 19, Havinis also teaches comparing the second configuration data with the first configuration data and if the first and second configurations are different, then the mobile unit updates the second configuration data with the first configuration data (see col. 4, lines 18-29).

Referring to Claim 20, Havinis also teaches the mobile unit adapted to receive a directive from the source to modify the first configuration data and the mobile unit modifies the first configuration data in response to third configuration data provided by the source (see col. 4, lines 3-7).

Referring to Claim 21, Havinis also teaches the mobile unit adapted to transmit the data automatically transferred pursuant to one of a pre-scheduled tome, a timeout interval, or an amount of data that has been collected (see col. 3, lines 26-30).

Referring to Claim 22, Havinis also teaches the mobile unit adapted to transmit the indication of the information of the information and the location asynchronously after the acquisition of the information (see col. 3, lines 26-30).

Referring to Claim 23, Havinis also teaches the mobile unit adapted to base the transmission on at least one of a set time schedule, a number of data sets collected, a condition of the network, or an amount of data collected (see col. 3, lines 26-30).

Referring to Claim 24, Havinis also teaches the mobile unit adapted to attempt to establish connection with the server at regular intervals of time of a communication between the mobile unit and the server is disrupted, and the mobile unit transmit the information to the server when the server is available to communicate with the mobile unit (see col. 4, lines 18-29).

Referring to Claim 25, Havinis also teaches the mobile unit adapted to resume a communication with the server is at a point where communication broke off should the communication be interrupted (see col. 4, lines 18-29).

Referring to Claim 38, Havinis also teaches the size and quality of the indication of the information communicated to the remote server depending on parameters comprising at least one of a wireless channel quality, traffic conditions, wireless channel bit rate and a subscriber fee (see col. 1, lines 36-44).

Referring to Claim 39, Havinis also teaches the wireless channel quality formed at least in part by at least one of a signal to noise ratio and a signal to interference ratio (see col. 2, lines 44-49).

Referring to Claim 40, Havinis also teaches the information comprising at least one of image data, audio data and video data (see ABSTRACT).

3. Claims 26-29 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Corwith and Kariya (US 5,774,803).

Referring to Claim 26, Havinis teaches a system comprising:

a mobile unit to:

acquire information about a region near the mobile unit (see col. 3, lines 4-7);

determine a location of the mobile unit (see col. 3, lines 9-15), and

transmit an indication of the information and location (see col. 3, lines 26-30);

a client 16 (fig. 1) and at least one remote server 252 (fig. 2) coupled to the client to communicate with the mobile unit to receive the indication from the mobile unit and communicate at least some of the information to the client based on filtering parameters (see col. 2, lines 1-10).

Havinis does not teach the use of multiple mobile units. Kariya teaches the use of multiple mobile units (see fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Kariya to said method of Havinis in order to reduce the limitations of information that can be used when locating a mobile station.

The combination of Havinis and Kariya does not teach automatically labeling the information with the location of the mobile unit. Corwith teaches automatically labeling the information with the location of the mobile unit (see col. 3, lines 20-26 and col. 4, lines 4-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Corwith to said method of Havinis in order to locate a mobile station in a particular region in less time.

Referring to Claim 41, Havinis also teaches a method usable with a mobile unit, comprising:

using a mobile unit to acquire information about a region near the mobile unit (see col. 3, lines 4-7), associating a location of the mobile unit with the information acquired by the mobile unit (see col. 3, lines 9-15), communicating an indication of the information and location to a remote server (see col. 3, lines 26-30), filtering the information based on filtering parameters provided by a client and providing the information to a client (see 252 of fig. 2 and col. 2, lines 1-10).

The combination of Havinis and Kariya does not teach automatically labeling the information with the location of the mobile unit. Corwith teaches automatically labeling the information with the location of the mobile unit (see col. 3, lines 20-26 and col. 4,

lines 4-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Corwith to said method of Havinis in order to locate a mobile station in a particular region in less time.

Referring to Claims 27 and 42, Havinis also teaches the client furnishing at least some of the filtering parameters to said at least one remote server (see col. 2, lines 1-10).

Referring to Claims 28 and 43, Havinis also teaches the filtering parameters comprising at least one of a mobile unit identifier, an acquisition time frame, a geographic location and moving information (see col. 1, lines 56-65).

Referring to Claims 29 and 44, Havinis also teaches the moving information comprises one of a direction and a speed (see col. 2, lines 35-43).

4. Claims 30, 31, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis, Corwith and Kariya in view of Pace, II (US 5,712,899).

Referring to Claim 30, the combination of Havinis, Corwith and Kariya do not teach a map server wherein the remote server uses the indications of location from the mobile units to plot the locations on street maps that it obtains from the map server. Pace teaches a map server wherein the remote server uses the indications of location from the mobile units to plot the locations on street maps that it obtains from the map server (see fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to said method of Havinis in order to make the location determining method more user friendly.

Referring to Claim 31, Pace also teaches the remote server presenting at least one of the street maps to the client to permit the client to communicate a specific location to the remote server and the remote server communicating information from a mobile unit closest to the specific location to the client (see process of fig. 9).

Referring to Claim 45, the combination of Havinis, Corwith and Kariya does not teach displaying a street map and identifying a location on the street map to develop at least one of the filtering parameters. Pace teaches displaying a street map and identifying a location on the street map to develop at least one of the filtering parameters (see fig. 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to said method of Havinis in order to make the location determining method more user friendly.

Referring to Claim 46, Pace also teaches displaying the mobile units on the street map, wherein the size of each mobile object that is displayed on the map depends on the accuracy of a location detection unit of said each mobile object (see figs. 5, 6, and 9).

Referring to Claim 47, Pace also teaches a GPS receiver (fig. 2)

Referring to Claim 48, Pace also teaches wherein a size and color of each mobile object that is displayed on the map depends of an age of information about said each mobile object (see col. 8, lines 35-44).

(11) Response to Argument

1. Appellant's arguments with respect to claims 1-48 have been fully considered but they are not persuasive.

A) The appellant argues that the Corwith reference does not teach "a *mobile unit* to automatically label information about a region near the mobile unit with the location of the mobile unit".

In response to A) In independent claims 32 and 41, there is no specific indication that the mobile unit itself performs automatically labeling information about a region near the mobile unit with the location of the mobile unit. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the mobile unit itself performing automatically labeling information about a region near the mobile unit with the location of the mobile unit) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In independent claims 1 and 26, the above limitation is preceded by "a mobile unit to:", which by claim interpretation is similar to "a mobile unit capable of:". Therefore, the cited reference, particularly the mobile unit can perform the step since the claimed limitation is treated as functional language. A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art – if the prior art has the capability to so perform. See MPEP 2114 and

Ex parte Masham, 2 USPQ2d 1647 (1987). For the reasons above the combination of the Havinis and Corwith references is still proper.

B) The appellant argues that the Corwith reference does not teach the process of "automatically labeling information about a region near the mobile unit with the location of the mobile unit".

In response to B) The examiner disagrees because there is no additional detail in the claim language to suggest that "information about a region near the mobile unit" cannot be the same as "location polygon coordinates" and the passage in col. 4, lines 4-6 show that the mobile unit is located using said location polygon coordinates. One in the ordinary skill in the art can easily classify the term location polygon coordinates as having the same meaning as labeling information. The reasons above in addition to considering that Corwith's invention involves an "Automatic Location Identification system", the Corwith reference clearly teaches automatically labeling information about a region near the mobile unit with the location of the mobile unit.

C) The appellant argues that the Havinis reference does not teach "at least one remote server that communicates at least some of the information acquired by a mobile unit to a client based on filtering parameters".

In response to C) Once again, there is not enough specific detail in the claim language to suggest that the teachings in the Havinis reference cannot read on the claimed invention. One of ordinary skill in the art can definitely classify the term "requisite identification information" as having the same meaning as "filtering parameters". The term "filtered parameters" in this case can simply mean any

parameter which narrows the search to the location of a mobile unit and the Havinis reference clearly teaches that limitation.

D) The appellant argues that the prior art of record does not teach the limitations of claims 2, 6, 8, 27, 31, 33, and 46.

In response to D) The arguments regarding these claims are similar to the arguments in **A) B)** and **C)**, all of which were addressed above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Examiner
Art Unit 2682

EY
November 29, 2004

Conferees

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